

EPA Region 5 Records Ctr.



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WITHHELD # 2
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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Jim Ryan
ATTORNEY GENERAL

May 5, 1998

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MAY 11 1998

EPA-DLPC

For the purpose of settlement only

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Christine Zeman, Esq.
Hodge & Dwyer
808 South Second Street
Springfield, Illinois 62704

Re: People v. T.L. Diamond, 96-MR-70

Dear Chris:

LA# 1358070001
HILLSBORO/EAGLE ZINC
COMPLIANCE FILE

In our recent conversations, you have indicated that your client would like to discuss the possibility of settlement. Since the technical consultants have had the opportunity to meet, I presume that your client has a better idea of how to address the State's pollution concerns at the facility.

As you are probably aware, in order to settle an enforcement action, the Attorney General and the Illinois EPA seek two things from your client. First, your client must agree to implement a technical remedy to address the violations alleged in the Complaint. Your client should develop a management plan that provides for the identification of the contents of the various piles at the site and the proper disposition of the piles, either on-site or off-site pursuant to the requirements of 35 Ill. Adm. Code 815. In the plan, your client should also address the stormwater/runoff problems at the site and the remediation of any contamination in excess of the applicable standards. Please include a timetable for the performance and completion of these measures in the plan.

I believe you touched on these remediation issues when you deposed Dave Jansen in January. Of course, any technical remedy will have to be reviewed and approved by the Illinois EPA. If your client's technical consultants have any questions, I have no objection to their contacting Dave Jansen, John Wells or Rich Johnson.

Secondly, your client will have to pay a civil penalty to the Environmental Protection Trust Fund. In light of the nature of the violations and the time period during which they occurred, the State's penalty demand is set at \$82,500.00.

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With trial approaching, your client's management plan would need to be submitted in the next few weeks so that Illinois EPA has adequate time to review it. Please discuss this with your client and advise your client's position regarding the initial terms of settlement. If you have any questions, please do not hesitate to call. I can be reached at 217/782-9031. I look forward to your response.

Sincerely,



Maria M. Menotti
Assistant Attorney General
Environmental Bureau/Springfield

cc: Greg Richardson, DLC
Chuck Gunnarson, DLC
[REDACTED] Rich Johnson, FOS/BOL
John Wells, FOS/BOW